

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IN RE WESTERN STATES WHOLESALE
NATURAL GAS ANTITRUST
LITIGATION,

MDL Docket No. 1566

Base Case No. 2:03-cv-01431-RCJ-PAL

ORDER

THIS DOCUMENT RELATES TO:
ALL ACTIONS

This matter is before the court on Defendant Xcel Energy, Inc.'s failure to respond to the court's Order (ECF No. 2378) denying the Motion to Seal (ECF No. 2295) filed by Plaintiff Sinclair Oil Corporation ("Sinclair") without prejudice and instructing the designating party (or parties) to file a memorandum of points and authorities and any supporting declaration or affidavit to make a particularized showing as to why certain documents should remain under seal.

Sinclair sought leave to file under seal because counsel for Xcel Energy, Inc. ("Xcel Energy") designated as confidential documents bates-stamped EPRIME0111251-0111269 (Xcel Energy's August 6, 2002 Interrogatory responses sent to Commodity Futures Trade Commission). Sinclair referenced the documents as Exhibit E in its Motion to Compel Defendants ePrime, Inc. And Xcel Energy to Respond to Discovery Requests and for Sanctions (ECF No. 2294). *See* Notice of Filing Under Seal (ECF No. 2297). The court instructed the designating party (or parties) to make a particularized showing on or before May 13, 2016. *See* Order (ECF No. 2378). However, no response was filed and the deadline to do so has now expired. The parties were cautioned that if they failed to timely comply with the Order, the Clerk of the Court would be directed to unseal the documents to make them available on the public docket.

1 Accordingly,

2 **IT IS ORDERED:** the Clerk of the Court shall UNSEAL the Notice of Filing Under
3 Seal (ECF No. 2297) and its Exhibit E (ECF No. 2297-1).

4 Dated this 13th day of September, 2016.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
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